

COUNTY OF ST. CLAIR  
CIRCUIT COURT  
FILED

IN THE CIRCUIT COURT  
TWENTIETH JUDICIAL CIRCUIT  
ST. CLAIR COUNTY, ILLINOIS  
2001 JUL 26 PM 4:10

DANNY HAWKINS and KATHLEEN )  
HAWKINS, )

Plaintiffs, )

vs. )

Case No.

01-673-MJR

PARIC CORPORATION, MURPHY )  
COMPANY MECHANICAL CONTRACTORS )  
AND ENGINEERS, INC., UNION ELECTRIC )  
COMPANY, STRUCTURAL )  
PRESSURE VESSELS, GATEWAY )  
BOILER PROJECT JOINT VENTURE, )  
JOHN DOE, and GATEWAY ENERGY )  
SYSTEMS, )

Defendants. )

### COMPLAINT

NOW COMES Plaintiff, Danny Hawkins by and through his attorneys McGlynn & McGlynn and Michael L. McGlynn and states:

### COUNT I

1. Paric Corporation is a Missouri corporation and does business in St. Clair County Illinois. At all times relevant John Doe, upon information and belief, an Illinois resident was safety manager for Paric Corporation and this project.

2. Plaintiffs are residents of Madison County, State of Illinois.

3. At all times relevant Plaintiffs were and are married.

4. On July 27, 1999, Paric Corporation was the general contractor on a construction project at Monsanto Corporation in Sauget, St. Clair County, Illinois.

5. At said time and place Plaintiff, Danny Hawkins, was a steamfitter and employed by Murphy Corporation.

6. At said time and place Danny Hawkins was injured while attempting to loosen a plug from a piece of machinery.

7. Paric Corporation was negligent in one or more of the following ways:

- a) failed to provide adequate plans;
- b) failed to provide adequate supervision; and
- c) failed to provide adequate equipment.

8. The negligence of Paric Corporation was a proximate cause of injuries to Danny Hawkins.

9. Danny Hawkins sustained injuries to his shoulder and arm including torn rotator cuff and torn biceps tendons.

10. Danny Hawkins has sustained the following injuries and damages: past and future lost wages; past and future pain and suffering; past and future disfigurement and disability; past and future medical bills.

11. Danny Hawkins' wife, Kathleen Hawkins, has sustained lost services and society as a consequence of his injuries.

WHEREFORE, Plaintiffs and each of them pray for a judgment against Paric Corporation for an amount in excess of \$50,000 plus costs of suit.

COUNT II

NOW COMES Plaintiffs by and through their attorneys McGlynn & McGlynn and

Michael L. McGlynn and states:

1. At all times relevant Murphy Company Mechanical Contractors and Engineers, Inc. were engaged in a joint venture.
2. Murphy Company Mechanical Contractors and Engineers, Inc. issued in its capacity as a joint venturer and not as an employer.
3. At all times relevant, Murphy Company Contractors and Engineers, Inc. was a corporation doing business in St. Clair County, Illinois.
4. At all times relevant Plaintiffs were and are married.
5. Murphy Company Mechanical Contractors and Engineers, Inc. is a Missouri corporation and does business in St. Clair County Illinois.
6. At said time and place Plaintiff, Danny Hawkins, was a steamfitter and employed by Murphy Company Mechanical Contractors and Engineers, Inc.
7. At said time and place Danny Hawkins was injured while attempting to loosen a plug from a piece of machinery.
8. Murphy Company Mechanical Contractors and Engineers, Inc. was negligent in one or more of the following ways:
  - a) failed to provide adequate plans;
  - b) failed to provide adequate supervision; and
  - c) failed to provide adequate equipment.
9. The negligence of Murphy Company was a proximate cause of injuries to Danny Hawkins.
10. Danny Hawkins sustained injuries to his shoulder and arm including torn rotator

cuff and torn biceps tendons.

11. Danny Hawkins has sustained the following injuries and damages: past and future lost wages; past and future pain and suffering; past and future disfigurement and disability; past and future medical bills.

12. Danny Hawkins' wife, Kathleen Hawkins, has sustained lost services and society as a consequence of his injuries.

WHEREFORE, Plaintiffs and each of them pray for a judgment against Paric Corporation for an amount in excess of \$50,000 plus costs of suit.

### COUNT III

NOW COMES Plaintiffs by and through their attorneys McGlynn & McGlynn and Michael L. McGlynn and states:

1. Union Electric Company is a Missouri corporation and does business in St. Clair County Illinois.

2. Plaintiffs are residents of Madison County, State of Illinois.

3. At all times relevant Plaintiffs were and are married.

4. At all times relevant Union Electric Company was a joint venturer in a joint venture known as Gateway Boiler Project.

5. At said time and place Plaintiff, Danny Hawkins, was a steamfitter and employed by Murphy Corporation.

6. At said time and place Danny Hawkins was injured while attempting to loosen a

plug from a piece of machinery.

7. Union Electric Company was negligent in one or more of the following ways:

- a) failed to provide adequate plans;
- b) failed to provide adequate supervision; and
- c) failed to provide adequate equipment.

8. The negligence of Union Electric Company was a proximate cause of injuries to Danny Hawkins.

9. Danny Hawkins sustained injuries to his shoulder and arm including torn rotator cuff and torn biceps tendons.

10. Danny Hawkins has sustained the following injuries and damages: past and future lost wages; past and future pain and suffering; past and future disfigurement and disability; past and future medical bills.

11. Danny Hawkins' wife, Kathleen Hawkins, has sustained lost services and society as a consequence of his injuries.

WHEREFORE, Plaintiffs and each of them pray for a judgment against Union Electric Company for an amount in excess of \$50,000 plus costs of suit.

#### COUNT IV

NOW COMES Plaintiff, Danny Hawkins by and through his attorneys McGlynn & McGlynn and Michael L. McGlynn and states:

1. Structural Pressure Vessels is a Missouri corporation and does business in St. Clair County Illinois.

2. Plaintiffs are residents of Madison County, State of Illinois.

3. At all times relevant Plaintiffs were and are married.
4. Structural Pressure Vessels was a designer and manufacturer of a unit that was being incorporated into a project in Sauget, Illinois.
5. At said time and place Plaintiff, Danny Hawkins, was a steamfitter and employed by Murphy Corporation.
6. At said time and place Danny Hawkins was injured while attempting to loosen a plug from a piece of machinery.
7. Structural Pressure Vessels was negligent in one or more of the following ways:
  - a) failed to provide adequate plans;
  - b) failed to provide adequate supervision;
  - c) failed to provide adequate equipment; and
  - e) failed to provide safety design.
8. The negligence of Structural Pressure Vessels was a proximate cause of injuries to Danny Hawkins.
9. Danny Hawkins sustained injuries to his shoulder and arm including torn rotator cuff and torn biceps tendons.
10. Danny Hawkins has sustained the following injuries and damages: past and future lost wages; past and future pain and suffering; past and future disfigurement and disability; past and future medical bills.
11. Danny Hawkins' wife, Kathleen Hawkins, has sustained lost services and society as a consequence of his injuries.

WHEREFORE, Plaintiffs and each of them pray for a judgment against Structural

Pressure Vessels for an amount in excess of \$50,000 plus costs of suit.

COUNT V

NOW COMES Plaintiff, Danny Hawkins by and through his attorneys McGlynn & McGlynn and Michael L. McGlynn and states:

1. At all times relevant Gateway Boiler Project Joint Venture was an Illinois joint venture doing business in Sauget, Illinois.
2. Plaintiffs are residents of Madison County, State of Illinois.
3. At all times relevant Plaintiffs were and are married.
4. At said time and place Plaintiff, Danny Hawkins, was a steamfitter and employed by Murphy Corporation.
5. At said time and place Danny Hawkins was injured while attempting to loosen a plug from a piece of machinery.
6. Gateway Boiler Project Joint Venture was negligent in one or more of the following ways:
  - a) failed to provide adequate plans;
  - b) failed to provide adequate supervision; and
  - c) failed to provide adequate equipment.
7. The negligence of Gateway Boiler Project Joint Venture was a proximate cause of injuries to Danny Hawkins.
8. Danny Hawkins sustained injuries to his shoulder and arm including torn rotator cuff and torn biceps tendons.
9. Danny Hawkins has sustained the following injuries and damages: past and future

lost wages; past and future pain and suffering; past and future disfigurement and disability; past and future medical bills.

10. Danny Hawkins' wife, Kathleen Hawkins, has sustained lost services and society as a consequence of his injuries.

WHEREFORE, Plaintiffs and each of them pray for a judgment against Gateway Boiler Project Joint Venture for an amount in excess of \$50,000 plus costs of suit.

COUNT VI

NOW COMES Plaintiff, Danny Hawkins by and through his attorneys McGlynn & McGlynn and Michael L. McGlynn and states:

1. Paric Corporation is a Missouri corporation and does business in St. Clair County Illinois. At all times relevant John Doe, upon information and belief, an Illinois resident was safety manager for Paric Corporation and this project.

2. Plaintiffs are residents of Madison County, State of Illinois.

3. At all times relevant Plaintiffs were and are married.

4. On July 27, 1999, Paric Corporation was the general contractor on a construction project at Monsanto Corporation in Sauget, St. Clair County, Illinois.

5. At said time and place Plaintiff, Danny Hawkins, was a steamfitter and employed by Murphy Corporation.

6. At said time and place Danny Hawkins was injured while attempting to loosen a plug from a piece of machinery.

7. John Doe was negligent in one or more of the following ways:

a) failed to provide adequate plans;



b) failed to provide adequate supervision; and

c) failed to provide adequate equipment.

8. The negligence of John Doe was a proximate cause of injuries to Danny Hawkins.

9. Danny Hawkins sustained injuries to his shoulder and arm including torn rotator cuff and torn biceps tendons.

10. Danny Hawkins has sustained the following injuries and damages: past and future lost wages; past and future pain and suffering; past and future disfigurement and disability; past and future medical bills.

11. Danny Hawkins' wife, Kathleen Hawkins, has sustained lost services and society as a consequence of his injuries.

WHEREFORE, Plaintiffs and each of them pray for a judgment against John Doe for an amount in excess of \$50,000 plus costs of suit.

#### COUNT VII

NOW COMES Plaintiff, Danny Hawkins by and through his attorneys McGlynn & McGlynn and Michael L. McGlynn and states:

1. Gateway Energy Systems is a Missouri corporation and does business in St. Clair County Illinois.

2. Plaintiffs are residents of Madison County, State of Illinois.

3. At all times relevant Plaintiffs were and are married.

4. At said time and place Plaintiff, Danny Hawkins, was a steamfitter and employed by Murphy Corporation.

5. At said time and place Danny Hawkins was injured while attempting to loosen a plug from a piece of machinery.

6. Gateway Energy Systems was negligent in one or more of the following ways:

- a) failed to provide adequate plans;
- b) failed to provide adequate supervision; and
- c) failed to provide adequate equipment.

7. The negligence of Gateway Energy Systems was a proximate cause of injuries to Danny Hawkins.

8. Danny Hawkins sustained injuries to his shoulder and arm including torn rotator cuff and torn biceps tendons.


9. Danny Hawkins has sustained the following injuries and damages: past and future lost wages; past and future pain and suffering; past and future disfigurement and disability; past and future medical bills.

10. Danny Hawkins' wife, Kathleen Hawkins, has sustained lost services and society as a consequence of his injuries.

WHEREFORE, Plaintiffs and each of them pray for a judgment against Gateway Energy Systems for an amount in excess of \$50,000 plus costs of suit.

Respectfully Submitted,

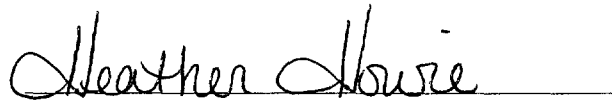
McGLYNN & McGLYNN

By:   
Michael L. McGlynn (IL #6188495)  
116 South Charles Street  
Belleville, IL 62220  
(618) 234-8800  
Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 17<sup>th</sup> day of September, 2001 a copy of the foregoing was served upon the following address by enclosing same in an envelope, with postage prepaid, and depositing said envelope in a United States Mail Box in Belleville, Illinois:

Charles L. Joley  
Donovan, Rose, Nester & Joley, P.C.  
8 East Washington Street  
Belleville, IL 62220-2190  
Attorney for Murphy Company Contractors & Engineers, Inc.

A handwritten signature in cursive script, reading "Heather Howie", written over a horizontal line.